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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,293

03/23/2007

Yannick Gerard

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09/29/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

EDWARDS, BRETT J

ART UNIT

PAPER NUMBER

3781

NOTIFICATION DATE

DELIVERY MODE

09/29/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/591,293	<b>Applicant(s)</b> GERARD ET AL.	
	<b>Examiner</b> Brett Edwards	<b>Art Unit</b> 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/30/2007 &amp; 4/22/2008</u> .                               | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Response to Amendment***

2. The amendments to the claims filed on Aug. 31, 2006 have been accepted.  
Claims 11-20 are currently pending in the application.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

***Claim Objections***

3. Claim 12 is objected to because of the following informalities: The claim recites “based on” in line 2 and should instead be –made of–. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Ries et al. (US Pub 20030124281; hereinafter Ries).

As to claim 11, Ries discloses a system for fastening, by welding, a component (6) having a portion with a conical surface profile to a motor vehicle fuel tank (10) comprising an opening, a perimeter of which has a conical surface profile, the welding being carried out between at least one portion of the conical surface of the perimeter of the opening in the tank and at least one portion of the conical surface of the component (Fig. 1 and 2; Par. 0059).

As to claim 12, Ries discloses the fastening system according to claim 11, wherein the tank and the component are based on one or more plastics.

As to claim 13, Ries discloses the fastening system according to claim 12, wherein at least one of the two components has a multilayer structure that includes a layer made of a barrier material (Para 0038, 0039, 0048 and 0049).

As to claim 14, Ries discloses the fastening system according to claim 13, wherein the two components are formed from a multilayer structure and, at a point where the first component is fastened to the second component, a number of superposed layers is at most equal to a sum of a number of layers in the first component and a number of layers in the second component.

As to claim 15, Ries discloses the fastening system according to claim 14, wherein the multilayer structure includes at least two layers of high-density polyethylene (HDPE) between which a layer made of an ethylene/vinyl alcohol copolymer (EVOH) is inserted.

As to claim 16, Ries discloses the fastening system according to claim 11, wherein the component is a valve (Par. 0040).

In regard to claim 17, the presence of process limitations on product claims, wherein the product does not otherwise patentably distinguish over the prior art, cannot impart patentability to the product. In re Stephens 145 USPQ 656 (CCPA 1965). As such, Ries discloses a fuel system comprising a fuel tank (10) and at least one accessory (6) fastened to the fuel tank.

As to claim 18, Ries discloses a method of manufacturing a fuel system, comprising: manufacturing a tank (10) comprising an opening, a perimeter of which has a conical surface profile; manufacturing a component (6) having a part with a conical surface profile; and welding at least one portion of the conical surface of the perimeter of the opening in the tank to at least one portion of the conical surface of the component (Fig. 1 and 2; Par. 0059).

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As to claim 19, Ries discloses the method according to claim 18, wherein the tank and the component are manufactured by molding by using one or more molds having impressions corresponding to the conical surfaces.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ries in view of Abare et al. (US 6627016; hereinafter Abare).

As to claim 20, Ries discloses the method according to claim 18. Ries does not expressly disclose the welding is hot- plate welding using self-centering hot plates or a robotic system optionally controlled by a camera.

However, Abare discloses a molded fuel tank (1) with a plurality of components (4, 5, 6, 7), wherein the welding done on the tank is hot-plate welding using a robotic system with optical and laser scanning (Fig. 1; Col. 4, ll.

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13-17; Col. 4, line 62 - Col. 5, line 19). Abare discloses the robotic system allows increased accuracy and repeatability of the manufacturing processes by making adaptive changes during the welding process to compensate for variations in the fuel tanks due to an inherent drawback of the molding process (Col. 3, ll. 60-65).

Therefore, at the time of invention it would have been obvious to one of ordinary skill in the art to use hot-plate welding robots with optical and laser scanning, as taught by Abare, to form the fuel tank taught by Ries in order to provide for increased accuracy and repeatability in the manufacturing process.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Strahm (US 2713369) discloses a tank welded to a component, wherein the weld is between two curved conical surfaces, similar to the embodiment of Fig. 9 of the present application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brett Edwards whose telephone number is (571)270-1443. The examiner can normally be reached on M-Th 8:30 AM - 7 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony Stashick/  
Supervisory Patent Examiner, Art  
Unit 3781

/B. E./  
Examiner, Art Unit 3781  
09/18/2009